



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/HAYWARD PUBLIC FINANCING
AUTHORITY OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 2, 2001, 8:00 p.m.**

MEETING

The Special Joint Meeting of the City Council/Hayward Public Financing Authority was called to order by Mayor/Chairperson Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Dowling.

ROLL CALL

Present: COUNCIL MEMBERS/DIRECTORS Hilson,
Rodriguez, Ward, Dowling
MAYOR/CHAIR Cooper
Absent: Jimenez, Henson

PRESENTATION: Business Recognition Award

Mayor Cooper presented the October, City of Hayward Business Recognition Award to Groeniger Co., the largest water works company in California. Groeniger's corporate headquarters have been in Hayward since 1975. Groeniger Co. was founded in 1949 by Bill Groeniger, a self taught and driven businessman, who created a string of waterworks supply houses throughout California. Bill Groeniger was a living legend as an extraordinary and determined salesman and entrepreneur. His legacy is alive here in Hayward. Groeniger has served Hayward by providing materials and expertise for many industrial park projects, as well as the upgrades to the water main at Southland Mall, many residential subdivisions in the hills, and continues to provide support to contractors doing work in Hayward, as well as to the City of Hayward's Water and Fire Departments. Groeniger is a privately held family business. Bill's son, Michael, is the Chief Operating Officer and his wife, Beverly, is the Chief Financial Officer. Their three children are members of Groeniger's Board of Directors. The Business Recognition Award was presented to Groeniger for its commitment to Hayward and for bringing positive attention to our city through its exemplary reputation within the waterworks industry. Michael Groeniger and his wife, Beverly, accepted the award. He thanked the Council for this special recognition and introduced his family in the audience.

PUBLIC COMMENTS

Francisco Abrantes commented on development in the vicinity of the city hall.

Jason Moreno commented on the Pioneer, a CalState student newspaper, as well as his campaign website.

CONSENT

1. Approval of Minutes of the Special Meeting of the Joint City Council/Hayward Public

DRAFT

Financing Authority of September 25, 2001

It was moved by Council Member/Director Ward, seconded by Council Member/Director Hilson, and carried, with Council Members Jimenez and Henson absent, to approve the minutes of the special meeting of the joint City Council/Hayward Public Financing Authority of September 25, 2001.

HEARINGS

2. Appeal of Planning Commission's Denial of Modification of Use Permit 00-160-06 - Request to Amend the Conditions of Approval to Allow Vehicle Access from Smalley Avenue, Donald Boehm (Applicant/Owner) - The Property Is Located at 730 and 750 "A" Street, North Side, in the "CC-C" (Central City-Commercial) Subdistrict (*Continued from 9/18/01*)

Staff report submitted by Associate Planner Camire, dated October 2, 2001, was filed.

Prior to the staff report, Mayor Cooper asked Mr. Boehm if he wished to continue this item as there were only five members present. City Attorney O'Toole inserted a procedural statement, noting that there would need to be a four-vote majority after deliberation on the matter.

Mr. Boehm indicated that he would prefer consideration this evening.

Principal Planner Patenaude made the staff presentation, depicting the applicant's request to access the rear entrance. He enumerated various concerns including the increase of neighborhood traffic and the 32 foot-width of Smalley Avenue as compared to the 60 foot-width of a commercial street. He noted staff's conditional alternatives including a gate at the half-close position.

Council Member Dowling asked about traffic generation along the street and how much it would increase if the request were approved.

Mayor Cooper asked the applicant if he needed time to speak. He indicated that his request had been presented at the previous meeting.

With no one else requesting to speak, Mayor Cooper opened and closed the public hearing at 8:23 p.m.

Council Member Ward indicated that he used his Council prerogative last week so that staff and the applicant could find solutions to problems with rear entrance accessibility. He said that the alternative of eliminating one of the travel lanes to the site accomplishes the objective of eliminating truck traffic on Smalley.

Council Member Ward moved to uphold the appeal and allow exiting only off of the site for vehicles only onto Smalley and that the site conditions as to the closure of the gate be monitored. If



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at any point the applicant violates the conditions, then a public hearing would be conducted to consider withdrawing the use permit or add more restrictive conditions.

Mayor Cooper seconded the motion.

Council Member Dowling noted that Smalley is just a very small, difficult street. The auto businesses have already greatly impacted the neighborhood. He said he would remain firm with the Planning Commission actions and deny the appeal.

Council Member Hilson said he appreciated the applicant's efforts to cure a problem for his business. However, this presents certain traffic conflicts and might expose the City to liability. He said he was not convinced that the motion was an appropriate action and would not be in favor of approving the appeal.

Mayor Cooper questioned the inordinate time spent on the Smalley Avenue concerns.

In light of two Council Members absent, Council Member Dowling offered to use his Council prerogative to delay consideration one week so that a final vote could be taken when all members of Council would be present.

Council Member Hilson asked City Attorney O'Toole whether such action to continue this item in this manner was legally or procedurally appropriate. Discussion ensued. Council Member Dowling then offered an alternative motion to continue this item for one week. Mayor Cooper asked if there were any objections to the continuance. There was consensus to continue this item for one week.

LEGISLATIVE BUSINESS

3. Introduction of Ordinance Regarding the Establishment of Community Facilities Districts

Staff report submitted by Finance and Internal Services Director Carter, dated October 2, 2001, was filed.

Finance and Internal Services Director Carter made the staff presentation. He noted that the South of 92 project applicant has requested the City to establish a Community Facilities District (CFD). Since the City has no statement for the formation of CFD's, this is the framework for that District. He introduced the financial consultants and responded to Council questions.

City Manager Armas indicated this establishes a structure for any development to use this type of financing within the City. He saw one other case where this might be employed, which would be the Blue Rock development.

DRAFT

Council Member Hilson cautioned against possible liability to the City. Staff needs to be sure that all areas are explored giving the City the capability to opt out if necessary.

Mayor Cooper opened and closed the public hearing at 8:35 p.m.

It was moved by Mayor Cooper , seconded by Council Member Ward, and carried by the following roll call vote to introduce the following:

Ordinance 01-___, "An Ordinance Adding Article 17 to Chapter 8 of the Hayward Municipal Code Relating to Adopting Local Goals and Policies for the Establishment of Community Facilities Districts"

AYES: Council Members Hilson, Rodriquez, Ward,
Dowling
MAYOR Cooper
NOES: None
ABSENT: Council Members Jimenez, Henson
ABSTAINED: None

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 8:44 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Hayward Public Financing Authority

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Hayward Public Financing Authority